GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – RWS&S – Allegations of irregularities – verification of taxes paid by RWS&S Dept in various completed and ongoing works in Krishna District – Disciplinary proceedings againstSri D.Sainath, Executive Engineer, RWS&S, Vijayawada under Rule 20 of Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991 – Article of charges – Issued.

PANCHAYAT RAJ & RURAL DEVELOPMENT (VIG.VI) DEPARTMENT

G.O.Rt.No.136 **Dated:16.03.2021**

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ORDER:

It is proposed to hold an enquiry against Sri D.Sainath, Executive Engineer, RWS&S,Vijayawadain accordance with the procedure laid down in Rule 20 of the Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991.

2. The substance of the imputations of misconduct or misbehavior in respect of which the enquiry is proposed to be held is set out in the enclosed statement of article of charge (Annexure-I). A list of documents by which and a list of witnesses by whom, the article of charges are proposed to be sustained are also enclosed as Annexure-II and Annexure-III.

3. Sri D.Sainath, Executive Engineer, RWS&S,Vijayawada is directed to submit written statement of his defence within (10) days of the receipt of this order.

4. Sri D.Sainath, Executive Engineer, RWS&S Vijayawada is informed that an inquiry will be held only in respect of article of those charges as are not admitted. He should, therefore, specifically admit or deny article of charge.

5. Sri D.Sainath, Executive Engineer, RWS&S Vijayawada, is further informed that if he does not submit his written statement of defence on or before the period specified in Para 3 above or otherwise fails or refuses to comply with the provisions of Rule 20 of Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991 or the orders / directions issued in pursuance of the said rules, the Inquiring Authority may hold the inquiry against him ex-parte.

6. Sri D.Sainath, Executive Engineer, RWS&S Vijayawada, is invited to Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964, under which no Government Servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt within these proceedings, it will be presumed that Sri D.Sainath, Executive Engineer, RWS&S, Vijayawada is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule-24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

7. The receipt of this order shall be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

GOPAL KRISHNA DWIVEDI
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri D.Sainath, Executive Engineer, RWS&S Vijayawada through the Engineer-in-Chief, RWS&S, Vijayawada.
The Engineer-in-Chief, RWS &S, Vijayawada
(in duplicate with a request to serve and return the dated acknowledgement copy)
Copy to:
The G.A.(V&E) Dept (w.r.t. Alert Note No.145,(CNo.1371/V&E/E1/2016)
The A.P. Vigilance Commission, Velagapudi
The PR&RD (Estt.II) Department.
Sf/Sc

// Forwarded by Order//

SECTION OFFICER

ANNEXURE-1

STATEMENT SHOWING THE ARTICLE OF CHARGES FRAMED AGAINST SRI D.SAITH, I/C EXECUTIVE ENGINEER, RWS&S, VIJAYAWADA,KRISHNA DISTRICT

CHARGE:

That Sri D.Sainath, Executive Engineer, RWS&S Vijayawada has allowed to reimbursement of the Central Sales Taxes of an amount of Rs.6,52,352/- against the agreement clause for completed and ongoing works in Krishna District and paid to excess payment to Contract agency, without following the agreement clause, and thereby causing loss to the Government exchequer.

By the above acts, Sri D.Sainath, Executive Engineer, RWS&S, Vijayawada has exhibited gross negligence in discharging his legitimate duties, and thereby violated Rule 3 of A.P.C.S.(Conduct)Rules,1964.

BASIS:-

Based on the instructions of G.A.(V&E)Dept, Alert.Note No.145 (C.No.1371/V&E/E1/2016) the Vigilance department Officials have taken up an enquiry on reimbursement of taxes for various completed and ongoing works in RWS&S Deptt in Krishna District. During the Enquiry it is found that Sri D. Sainath, E.E has allowed to reimbursement of the Central Sales Tax to the contract agencies which is against the agreement conditions. Due to the said reimbursement an amount of Rs.6,52,352/- excess paid to the Contract agencies. As per the agreement condition Clause (8) the department shall have to reimburse CED & Vat only to the Contract agencies and there is no provision in the agreement for reimbursement of CST to the agencies even though the contract agency has paid to the firm during course of purchase of Pipes, thereby an amount of Rs.6,52,352/- loss is caused to the Government exchequer. From this it is evident that he has failed to follow the agreement conditions and shown gross negligence towards his Legitimate Duties and violated Rule (3) of APCS (CC&A) Rules, 1964.

Hence the charge.

GOPAL KRISHNA DWIVEDI
PRINCIPAL SECRETARY TO GOVERNMENT

SECTION OFFICER

ANNEXURE - II

LIST OF THE DOCUMENTS BY WHICH THE ARTICLE OF CHARGES FRAMEDAGAINST SRI D.SAINATH, I/C EXECUTIVE ENGINEER, RWS&S, VIJAYAWADAKRISHNA DISTRICT ARE PROPOSED TO BE SUSTAINED:

From the General Administration (Vigilance & Enforcement) Dept, Alert Note No. 145 (C.No. 137l/V&E/E 1/2016) dated 26.09.2016)

GOPAL KRISHNA DWIVEDI
PRINCIPAL SECRETARY TO GOVERNMENT

SECTION OFFICER

ANNEXURE - III

LIST OF WITNESSES BY WHICH THE ARTICLE OF CHARGES FRAMED AGAINSTSRI D.SAINATH EXECUTIVE ENGINEER, RWS&S.VIJAYAWADA, KRISHNADISTRICT ARE PROPOSED TO BE SUSTAINED

- NIL –

GOPAL KRISHNA DWIVEDI
PRINCIPAL SECRETARY TO GOVERNMENT

SECTION OFFICER